



Atty Docket No. 25118.00400

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### COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### METHOD AND APPARATUS FOR CREATING A CONNECTION SPEED DETECTING MOVIE AND RICH MEDIA PLAYER CUSTOMIZATION ON THE FLY

the specification of which (check one) \_\_\_ is attached hereto or X was filed on January 18, 2001 as Application No. 09/765,926 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Yes

No

Number	Country	Day/Month/Year Filed
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Number	Country	Day/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) below.

Application Number	Filing Date
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Application Number	Filing Date
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status: Patented, Pending, Abandoned
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Application Number	Filing Date	Status: Patented, Pending, Abandoned
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I HEREBY APPOINT THE FOLLOWING AS MY ATTORNEYS WITH FULL POWER OF SUBSTITUTION TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT OFFICE CONNECTED THEREWITH:

<u>Attorney</u>	<u>Reg. No.</u>
J. William Wigert	24,582
Nathan P. Koenig	38,210
Doyle B. Johnson	39,240
Malcolm B. Wittenberg	27,028
Tobi Clinton	43,553
John W. Carpenter	39,129

Send correspondence to:

John W. Carpenter  
CROSBY, HEAFEY, ROACH & MAY  
P.O. Box 7936  
San Francisco, CA 94120-7936  
DID Ph.: 415-659-5927  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Tom Fristoe

Inventor's signature

Date: 3/26, 2001

Residence: 2172 Pomezia Court, Pleasanton, CA 94566

Citizenship: USA

Post Office Address: 2172 Pomezia Court, Pleasanton, CA 94566

Full name of joint or second inventor: Ming-Horng Lee

Inventor's signature

Date: 3-26, 2001

Residence: 624 Filbert Court, San Ramon, CA 94583

Citizenship: USA

Post Office Address: 624 Filbert Ctour, San Ramon, CA 94583

Full name of joint or third inventor: Cary Capece

Inventor's signature

Cary Capece

Date: March 26, 2001

Residence: 2130 Pomezia Court, Pleasanton, CA 94566

Citizenship: USA

Post Office Address: 2130 Pomezia Court, Pleasanton, CA 94566



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Attorney's Docket No. 25118.00400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Tom Fristoe et al.

Examiner:

For: METHOD AND APPARATUS FOR  
CREATING A CONNECTION SPEED  
DETECTING MOVIE AND RICH MEDIA  
PLAYER CUSTOMIZATION ON THE FLY

Group Art Unit: 2615

Serial No. 09/765,926

Filed: January 18, 2001

**POWER OF ATTORNEY BY ASSIGNEE**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Tentoe Surfing, Inc., aka Tentoe, Inc., Assignee of the above-identified application by assigned dated 3-26-2001, hereby appoints the members of the firm of CROSBY, HEAFEY, ROACH 7 MAY, a firm composed of Malcolm B. Wittenberg, Registration No. 27,028, J. William Wigert, Jr., Registration No. 24,582, Nathan P. Koenig, Registration No. 38,210, Doyle B. Johnson, Registration 39,240, John W. Carpenter, Registration No. 39,129, and Tobi Clinton, Registration No. 43,553, as its attorneys with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

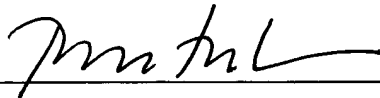
Please direct all correspondence regarding this application to the following:

Crosby, Heafey, Roach & May  
Attention: John W. Carpenter  
Two Embarcadero Center, Suite 2000  
P.O. Box 7936  
San Francisco, California 94120-7936  
Telephone: (415) 543-8700  
Fax: (415) 391-8269

The undersigned has reviewed the original or a copy of any documents(s) filed in the Patent and Trademark Office which evidence that the Assignee holds title to the above-identified application. The undersigned certifies that, to the best of Assignee's knowledge and belief, title to this invention is in the Assignee. 37 C.F.R. § 3.73(b).

Tentoe Surfing, Inc.  
aka Tentoe, Inc.

Dated: 3/26, 2001

By: 

Name: THOMAS FRISLOE

Title: PRESIDENT + CEO



The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR § 1.16 or § 1.17 to Deposit Account No. 03-3821, **referencing Attorney Docket No. 25118.00400. A duplicate sheet is attached.**

Dated: April 3, 2001

Two Embarcadero Center, Ste. 2000  
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Respectfully submitted,  
Crosby, Heafey, Roach & May  
Professional Corporation

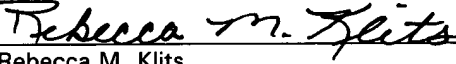
By: 

Name: Malcolm B. Wittenberg  
Registration No. 27,028  
Attorneys for Applicants

**CERTIFICATE OF MAILING - 37 C.F.R. § 1.08**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on April 3, 2001.

April 3, 2001

  
Rebecca M. Klits